

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**YGE BRANDING, LLC and INFINITY
LIFESTYLE BRANDS, LLC,**

Plaintiffs,

-against-

**GAME TOWELS, LLC and TRAVIS
GOODWIN,**

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC#:

DATE FILED: 12-23-16

14-cv-05374 (ALC) (KNF)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

Plaintiffs YGE Branding, LLC and Infinity Lifestyle Brands, LLC initiated this action on July 17, 2014, alleging breach of contract and fraud in connection with a Major League Baseball licensing deal. ECF No. 1.

On October 31, 2014, this matter was referred to United States Magistrate Judge Kevin N. Fox. Since that time, Judge Fox has repeatedly directed Plaintiffs to advise him of the status of the action, and Plaintiffs have repeatedly stated that they intended to move for a default judgment against Defendants. Each time they failed to do so, Plaintiffs asked for additional time to move for default judgment. On October 20, 2016, Judge Fox issued an order warning Plaintiffs that “the failure to move forward with the litigation may result in an involuntary dismissal of the action.” ECF No. 30. After Plaintiffs again failed to move for default judgment, Judge Fox issued a Report and Recommendation (“R&R”) on December 7, 2016, recommending that the case be dismissed pursuant to Rules 41(b) and 16(f) of the Federal Rules of Civil Procedure. ECF No. 32. Objections to Judge Fox’s R&R were due on December 21, 2016, but Plaintiffs have not filed any objection.

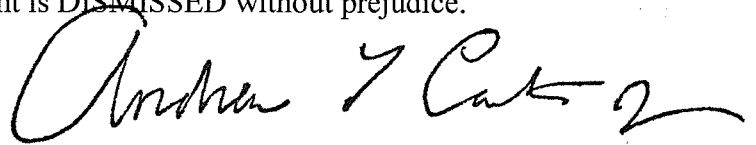
Because no timely objection was made, the Court “need only satisfy itself that there is no

clear error on the face of the record” to adopt the R&R. *Figueroa v. Riverbay Corp.*, No. 06-cv-5364 (PAC) (KNF), 2006 WL 3804581, at *1 (S.D.N.Y. Dec. 22, 2006) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). The Court finds no clear error in the record and adopts the R&R in its entirety.

For the reasons stated, Plaintiffs’ complaint is DISMISSED without prejudice.

SO ORDERED.

Dated: December 23, 2016
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge